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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JOSEPH L. DEXTER, an
11 individual, et al.,

12 Plaintiffs,

No. CIV S-04-2643 MCE JFM

13 vs.

14 FORWARD AIR, INC., et al.,

15 Defendants.

ORDER

16 _____/
17 On October 25, 2005, defendant Forward Air re-noticed its September 26, 2005
18 motion for order for physical examinations for hearing on November 17, 2005. On October 17,
19 2005, plaintiffs filed a statement of non-opposition to the motion. Pursuant to Local Rule 78-
20 230(h), the court has determined that the matter will be submitted on the papers without oral
21 argument. Upon review of the motion and the documents in support and opposition, and good
22 cause appearing therefor, THE COURT MAKES THE FOLLOWING FINDINGS:

23 The physical condition of the plaintiff is in controversy in this action. Thus,
24 plaintiff will be directed to submit to examinations by an orthopaedic surgeon and neurologist.
25 Defendant Forward Air, Inc. shall bear the cost of such examinations.

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1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. The hearing date of November 17, 2005 on defendants' motion for physical
3 examinations is vacated.

4 2. Defendants' motion for physical examinations is granted.

5 3. Plaintiff shall submit to the following examinations:

6 December 7, 2005 at 10:00 a.m.

7 Dr. Michael Klein, Board Certified Orthopaedic Surgeon
8 Offices of MRK Medical Consultants
6555 Coyle Avenue, Suite #235
Carmichael, California 95608

9 December 14, 2005 at 10:00 a.m.

10 Dr. Stephen Forner, Board Certified Neurologist
11 Offices of MRK Medical Consultants
6555 Coyle Avenue, Suite #235
12 Carmichael, California 95608

13 4. Defendant Forward Air, Inc. shall bear the cost of such examination.

14 DATED: November 16, 2005.

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17 UNITED STATES MAGISTRATE JUDGE

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